

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 11-3021-14-CR-S-GAF
)	
RICHARD F. COOK,)	
)	
Defendant.)	

ORDER

Now pending before the Court is Defendant's Motion to Dismiss (Doc. #151). Defendant argues that an individual purchasing cocaine for personal use cannot be convicted of violating 21 U.S.C. § 843(b). He then articulates what he believes the evidence will show. The United States has filed its response.

On October 25, 2011, United States Magistrate Judge James C. England issued his Report and Recommendation (Doc. #182). On November 7, 2011, Defendant's Objections to the Report and Recommendation (Doc. #186) were filed.

Upon careful and independent review of the pending motion, defendant's objections to the Magistrate's Report and Recommendation, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of United States Magistrate Judge James C. England.

Accordingly, it is hereby ORDERED that Defendant's Motion to Dismiss (Doc. #151) is OVERRULED and DENIED.

SO ORDERED.

s/ Gary A. Fenner

Gary A. Fenner, Judge
United States District Court

DATED: November 8, 2011